

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grubbs, et al.
Serial No.: 09/302,707
Filed: April 29, 1999
For: Acceleration Conveyor
Group Art Unit: 3651
Attorney's Docket No. 3863

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

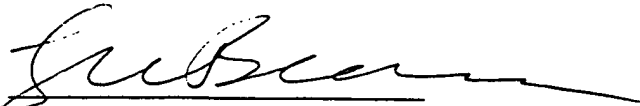
To the Honorable Commissioner of Patents
And Trademarks
Washington, D.C. 20231

Dear Sir:

Applicants and their attorneys have recently become aware of the additional prior art references which are listed on the Form PTO-1449 filed herewith. Copies of the cited references are enclosed.

At the time of mailing of this Information Disclosure Statement, Applicant has not yet received a first office action on this matter, and accordingly, it is not believed that any fee is due for filing of this Information Disclosure Statement. In the event that the office has issued a first office action prior to the filing of this Information Disclosure Statement, the filing fee for the disclosure statement may be charged to Deposit Account No. 23-0035.

Respectfully submitted,



Lucian Wayne Beavers
Registration No. 28,183
WADDEY & PATTERSON
A Professional Corporation
414 Union Street, Suite 2020
NationsBank Plaza
Nashville, TN 37219
(615) 242-2400

Attorneys for Applicant

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Second Supplemental Information Disclosure Statement, Form PTO-1449 and copies of cited references are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, February 24, 2000

Lucian Wayne Beavers



Registration No. 28,183

2 / 24 / 00

Date

Comparable to
Form PTO-1449

U.S. Department of Commerce
Patent & Trademark Office

Atty. Docket No.

Serial No.

3863

09/302,707

INFORMATION DISCLOSURE CITATION

Applicant
Grubbs, et al

Filing Date
April 29, 1999

Group
3651

Examiner Initial	Document No.	Date	Name	Class	Subclass	Filing Date If Appropriate
	4,131,540	Dec. 26, 1978	Husome et al.			
	4,176,750	Dec. 4, 1979	Holmes			
	4,352,430	Oct. 5, 1982	Maier et al.			
	4,657,144	Apr. 14, 1987	Martin et al.			
	4,919,534	Apr. 24, 1990	Reed			
	5,085,325	Feb. 4, 1992	Jones et al.			
	5,150,307	Sept. 22, 1992	McCourt et al.			
	5,315,384	May 24, 1994	Heffington et al.			
	5,333,739	Aug. 2, 1994	Stelte			
	5,335,791	Aug. 9, 1994	Eason			
	5,339,963	Aug. 23, 1994	Tao			
	5,398,818	Mar. 21, 1995	McGarvey			
	5,402,264	Mar. 28, 1995	Wilbur et al.			
	5,419,438	May 30, 1995	Squyres et al.			
	5,440,127	Aug. 8, 1995	Squyres			
	5,443,164	Aug. 22, 1995	Walsh et al.			
	5,464,981	Nov. 7, 1995	Squyres et al.			
	5,469,973	Nov. 28, 1995	Booth et al.			
	5,481,864	Jan. 9, 1996	Wright			
	5,501,344	Mar. 26, 1996	Kaiser et al.			
	5,531,331	July 2, 1996	Barnett			
	5,533,628	July 9, 1996	Tao			
	5,555,984	Sept. 17, 1996	Sommer, Jr., et al.			
	5,632,381	May 27, 1997	Thust et al.			
	5,675,416	Oct. 7, 1997	Campbell et al.			
	5,695,035	Dec. 9, 1997	Fukushima et al.			
	5,789,741	Aug. 4, 1998	Kinter et al.			
	5,794,788	Aug. 18, 1998	Massen			
	5,799,105	Aug. 25, 1998	Tao			
	5,813,542	Sept. 29, 1998	Cohn			
	5,848,706	Dec. 15, 1998	Harris			
	5,862,919	Jan. 26, 1999	Eason			
	5,954,206	Sept. 21, 1999	Mallon et al.			
	5,966,217	Oct. 12, 1999	Roe et al.			
	5,979,240	Nov. 9, 1999	Rix et al.			

FOREIGN PATENT DOCUMENTS

Document No.	Date	Country	Class	Subclass	Translation Yes No
WO 96/06690		German			
DE3926641		Germany			

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

JD978 U.S. PTO
10/055131

01/22/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grubbs, et al.
Serial No.: 09/302,707
Filed: April 29, 1999
For: Acceleration Conveyor
Group Art Unit: 3651
Attorney's Docket No. 3863



SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:


Applicants and their attorneys have recently become aware of the following additional prior art references. It is requested that the references be considered by the Examiner and made of record as part of the "available prior art" under 37 C.F.R. §1.104.

1. U.S. Patent 2,897,952 to Buccicone
2. U.S. Patent 6,022,017 to Cummings et al.
3. U.S. Patent 5,797,327 to Gieser et al.
4. U.S. Patent 5,183,251 to Sardella
5. U.S. Patent 5,022,644 to Burge
6. U.S. Patent 6,060,677 to Ulrichsen et al.
7. U.S. Patent 5,344,026 to Booth et al.
8. U.S. Patent 5,115,144 to Konishi et al.
9. U.S. Patent 4,909,930 to Cole
10. U.S. Patent 3,227,263 to Kastenbein

11. U.S. Patent 3,185,286 to Koplin
12. U.S. Patent 5,512,758 to Kobayashi et al.
13. U.S. Patent 4,699,510 to Alguard
14. U.S. Patent 5,884,775 to Campbell

I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this statement (37 C.F.R. §1.97(e)).

Respectfully submitted,



Emily A. Shouse
Registration No. 44,336
WADDEY & PATTERSON
A Professional Corporation
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400

Attorneys for Applicant

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Supplemental Information Disclosure Statement is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 8-31-00.

Guif Ashme

8-31-00

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grubbs, et al.
Serial No.: 09/302,707
Filed: April 29, 1999
For: Acceleration Conveyor
Group Art Unit: 3651
Attorney's Docket No. 3863

JC978 U.S. PRO
10/055131
01/22/02

INFORMATION DISCLOSURE STATEMENT

To the Honorable Commissioner of Patents
And Trademarks
Washington, D.C. 20231

Dear Sir:

Applicants and their attorneys are aware of the following information which is relevant for the reasons indicated. Copies of each of the cited documents are enclosed along with a Form PTO-1449 filed herewith.

I. RELATED APPLICATIONS

This application is one of a group of related applications that have been simultaneously filed and which are all assigned to a common assignee. The group of applications includes the following:

1. Attorney Docket No. 3787, entitled "PAPER SORTING SYSTEM", by Grubbs et al. filed April 29, 1999, Application Serial No. 09/301,992;
2. Attorney Docket No. 3796, entitled "SYSTEM AND METHOD FOR SENSING WHITE PAPER", by Bruner et al. filed April 29, 1999, Application Serial No. 09/301,715;

3. Attorney Docket No. 3860, entitled "SPREADER FOR PAPER SORTING SYSTEM", by Grubbs et al. filed April 29, 1999, Application Serial No. 09/301,993;

4. Attorney Docket No. 3861, entitled "SPREADER AND INCLINED CONVEYOR", by Grubbs et al. filed April 29, 1999, Application Serial No. 09/301,990;

5. Attorney Docket No. 3862, entitled "INCLINED CONVEYOR", by Grubbs et al. filed April 29, 1999, Application Serial No. 09/302,706;

6. Attorney Docket No. 3863, entitled "ACCELERATION CONVEYOR", by Grubbs et al. filed April 29, 1999, Application Serial No. 09/302,707;

These co-pending applications are being brought to the examiner's attention in order that the examiner may properly review any issues relating to double patenting or the like. None of these applications are prior art to the others.

II. RELEVANT INFORMATION - NOT PRIOR ART

7. European Patent No. EP0,873,797 A2 discloses a paper sorting system. At Page 6 of the English language translation of that patent provided herewith, there is a suggestion about the use of ultraviolet light and fluorescence in order to detect certain paper. APPLICANT is citing this document in the interest of complete disclosure, but applicant does not concede that this document is prior art to the present application. To the extent it might be necessary, it is believed that applicant can swear behind this reference. It is believed that the effective date of the reference is its publication date of October 28, 1998.

III. PRIOR PUBLICATIONS AND PATENTS BY THE ASSIGNEE

RELATING TO MATERIAL SORTING

The following patents have been issued to the assignee of the present invention and relate generally to the field of material sorting:

8. U.S. Patent No. 5,460,271, entitled "SYSTEM AND METHOD FOR SINGULATING INHOMOGENEOUS MATERIALS", issued October 24, 1995;

9. U.S. Patent No. 5,348,136, entitled "SINGULATION SYSTEM FOR RECYCLABLE MATERIAL", issued September 20, 1994;

10. U.S. Patent No. 5,318,172, entitled "PROCESS AND APPARATUS FOR IDENTIFICATION AND SEPARATION OF PLASTIC CONTAINERS", issued June 7, 1994;

11. U.S. Patent No. 4,718,559, entitled "PROCESS FOR RECOVERY OF NON-FERROUS METALLIC CONCENTRATE FROM SOLID WASTE", issued January 12, 1988;

12. U.S. Patent No. 4,541,530, entitled "RECOVERY OF METALLIC CONCENTRATE FROM SOLID WASTE", issued September 17, 1985;

13. U.S. Patent No. 4,533,054, entitled "ROTARY FUEL HOMOGENIZER AND USE THEREOF", issued August 6, 1985;

14. U.S. Patent No. 4,533,053, entitled "ROTARY DRUM MAGNETIC SEPARATION", issued August 6, 1985;

15. U.S. Patent No. 4,069,145, entitled "ELECTROMAGNETIC EDDY CURRENT MATERIALS SEPARATOR APPARATUS AND METHOD", issued January 17, 1978;

Additionally, the following publications by the assignee describe various prior art systems relating to separation of materials:

16. Catalog of MAGNETIC SEPARATION SYSTEMS, INC. entitled "SYSTEMS FOR SEPARATION AND SENSING" (Undated, but admitted to be prior art).

17. Brochure entitled "MSS PEN BINARY BOTTLESORT®" (Undated, but admitted to be prior art)

18. Brochure entitled "MSS PLASTICSORT™" (Undated, but admitted to be prior art)

IV. OTHER INFORMATION

19. Brochure entitled "MACHINEFABRIEK LUBO® MOBILE SYSTEMS" (Undated, but admitted to be prior art) discloses a screening unit having rotating discs on parallel shafts.

20. Brochure entitled "MACHINEFABRIEK LUBO® PROJECTS" (Undated, but admitted to be prior art) discloses a screening unit having rotating discs on parallel shafts.

The following patent references relate to various paper sorting systems:

21. U.S. Patent No. 5,100,005 to Noble et al.
22. U.S. Patent No. 4,207,177 to Block
23. U.S. Patent No. 4,094,772 to Hillekamp et al.
24. U.S. Patent No. 1,847,265, to Sandberg
25. German Offenlegungsschrift No. DE 43 05 006 A 1
26. German Offenlegungsschrift No. DE 41 35 394 A 1
27. German Offenlegungsschrift No. DE 39 26 641 A 1
28. U.S. Patent No. 5,060,870, to Trezek et al. discloses a polystyrene recycling process including a plurality of inclined conveyors.
29. U.S. Patent No. 5,339,962, to Sommer, Jr. et al. discloses methods and apparatus for sorting materials using electromagnetic sensing in which an air jet ejector 35 is utilized.
30. U.S. Patent No. 5,209,355 to Mindermann discloses a method and apparatus for sorting solids using an air jet ejector 32.

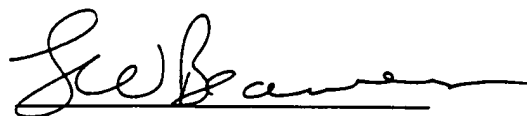
Additionally, the following other prior art references relevant to conveying, sensing and separating articles were located by applicants in searches conducted relevant to the present application, and are believed to be of general interest:

31. U.S. Patent No. 5,361,913 to Melchionna

32. U.S. Patent No. 5,348,162 to Wroblewski
33. U.S. Patent No. 5,333,797 to Becker et al.
34. U.S. Patent No. 5,322,152 to Tommila et al.
35. U.S. Patent No. 5,314,072 to Frankel et al.
36. U.S. Patent No. 5,301,816 to Weber et al.
37. U.S. Patent No. 5,299,693 to Ubaldi et al.
38. U.S. Patent No. 5,297,667 to Hoffman et al.
39. U.S. Patent No. 5,257,577 to Clark
40. U.S. Patent No. 5,201,921 to Luttermann et al.
41. U.S. Patent No. 5,190,165 to Garfield, Jr.
42. U.S. Patent No. 5,169,588 to Estepp
43. U.S. Patent No. 5,143,308 to Hally et al.
44. U.S. Patent No. 5,115,987 to Mithal
45. U.S. Patent No. 5,111,927 to Schulze, Jr.
46. U.S. Patent No. 5,101,977 to Roman
47. U.S. Patent No. 5,100,537 to Krause
48. U.S. Patent No. 5,091,077 to Williams
49. U.S. Patent No. 5,024,335 to Lundell
50. U.S. Patent No. 4,929,342 to Johnston
51. U.S. Patent No. 4,844,351 to Holloway
52. U.S. Patent No. 4,760,925 to Stehle et al.
53. U.S. Patent No. 4,632,320 to Holz et al.

54. U.S. Patent No. 4,542,689 to Trolle
55. U.S. Patent No. 4,440,284 to DeWoolfson
56. U.S. Patent No. 4,231,526 to Ortner et al.
57. U.S. Patent No. 4,225,427 to Schnell
58. U.S. Patent No. 4,124,168 to Bialski et al.
59. U.S. Patent No. 3,747,755 to Senturia et al.
60. U.S. Patent No. 1,847,263 to Sandberg
61. U.S. Patent No. 1,035,345 to Heess
62. Canada Patent No. 2,109,021
63. German Offenlegungsschrift No. DE 36 15 644 A 1
64. German Offenlegungsschrift No. DE 38 28 067 A 1
65. German Offenlegungsschrift No. DE 41 25 045 A 1
66. German Offenlegungsschrift No. DE 42 41 990 C 2
67. Russia Patent No. SU 1411228
68. European Patent No. EP 291 959 A2

Respectfully submitted,



Lucian Wayne Beavers
Registration No. 28,183
WADDEY & PATTERSON
A Professional Corporation
414 Union Street, Suite 2020
NationsBank Plaza
Nashville, TN 37219
(615) 242-2400

Attorneys for Applicant

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, July 23, 1999.

JC978 U.S. PRO
10/055131
01/22/02

Lucian Wayne Beavers

Lucian Wayne Beavers

Registration No. 28,183

7/23/99

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grubbs, et al.
Serial No.: 09/302,707
Filed: April 29, 1999
For: Acceleration Conveyor
Group Art Unit: 3651
Attorney's Docket No. 3863

JC978 U.S. PRO
10/055131
01/22/02

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The following additional prior art references are believed to be generally relevant to the subject matter of the pending application. Copies of the cited references are enclosed.

1. U.S. Patent No. 6,137,074 issued October 24, 2000, to Doak.
2. U.S. Patent No. 6,076,684 issued June 20, 2000, to Bollegraaf.
3. U.S. Patent No. 6,064,056 issued May 16, 2000, to Doak.
4. U.S. Patent No. 5,960,964 issued October 5, 1999, to Austin et al.
5. U.S. Patent No. 5,917,585 issued June 29, 1999, to Roe et al.
6. U.S. Patent No. 5,901,856 issued April 27, 1999, to Brantley, Jr. et al.
7. U.S. Patent No. 5,799,801 issued September 1, 1998, to Clark et al.
8. U.S. Patent No. 5,497,871 issued March 12, 1996, to Ciolkevich.

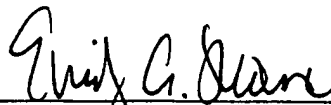
9. U.S. Patent No. 5,197,678 issued March 30, 1993, to Trezek et al.
10. U.S. Patent No. 5,165,676 issued November 24, 1992, to Blessing et al.
11. U.S. Patent No. 3,908,814 issued September 30, 1975, to Hieronymus.

Also enclosed is a Form PTO-1449 listing these references.

Each document listed in this Information Disclosure Statement was cited in a communication from the USPTO in a counterpart PCT application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

The Commissioner is authorized to charge any deficiency or credit any overpayment in connection with this Information Disclosure Statement to Deposit Account No. 23-0035.

Respectfully submitted,



Emily A. Shouse
Registration No. 44,336
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456
ATTORNEY FOR APPLICANT

This attorney is located at our Nashville, Tennessee office and can be contacted directly at:

Emily A. Shouse
Wadley & Patterson
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Supplemental Information Disclosure Statement, Form PTO-1449 and copies of cited references are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on August 31, 2001.

Emily A. Shouse

Emily A. Shouse
Registration No. 44,336

August 31, 2001
Date

3651

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

#2 FPS
D. Townsend
03/01/02

JC978 U.S. PTO
10/055131
01/22/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grubbs, et al.
Serial No.: 09/302,707
Filed: April 29, 1999
For: Acceleration Conveyor
Group Art Unit: 3651
Attorney's Docket No. 3863

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

To the Honorable Commissioner of Patents
And Trademarks
Washington, D.C. 20231

Dear Sir:

Applicants are submitting herewith the DECLARATION OF GARRY R. KENNY with attached exhibits A-E.

Mr. Kenny's declaration describes certain activities which occurred more than one year prior to the filing of the present application, but which are not believed to constitute prior art. This disclosure is made only in the interest of complete candor with the Patent and Trademark Office and applicants do not admit that any of the activities described in Mr. Kenny's declaration constitute prior art to the present application.

Applicants submit that the activities described in Mr. Kenny's declaration do not constitute "on sale" activity for two reasons. First, there was no offer for sale. Second, the invention was not "ready for patenting" at the time of the convention. The Supreme Court decision in Pfaff v. Wells Electronics, Inc., 48 U.S.P.Q. 2d. 1641 (1998) holds that "The on-sale bar applies when two conditions are satisfied before

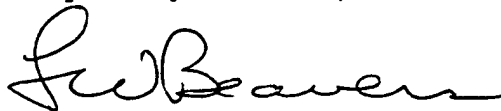
the critical date. First, the product must be the subject of a commercial offer of sale... Second, the invention must be ready for patenting."

Although several of the "options" listed in the Proposal No. 97929 attached as Ex. D to the declaration do include proposals for either pilot or full scale commercial systems, it is obvious from the proposal itself that the system had not yet been designed, and that a very substantial portion of the quoted price was for "Design For Commercial Systems". It is submitted that this proposal really amounts to just a proposal to develop a system, not a proposal to sell a system.

Certainly it is apparent from the proposal itself that the system had not yet been developed or designed. It was still in the very early experimental stages as is apparent from the various exhibits attached to Mr. Kenny's declaration. Under these circumstances the invention clearly was not "ready for patenting" at the time of the September 29, 1997 proposal.

For all of these reasons, applicants submit that the present invention was not "on sale" as a result of any of the activities described in the Kenny declaration.

Respectfully submitted,



Lucian Wayne Beavers
Registration No. 28,183
WADDEY & PATTERSON
A Professional Corporation
414 Union Street, Suite 2020
NationsBank Plaza
Nashville, TN 37219
(615) 242-2400

Attorneys for Applicant

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Supplemental Information Disclosure Statement and Declaration of Garry R. Kenny are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, August 9, 1999.

Lucian Wayne Beavers

Lucian Wayne Beavers

Registration No. 28,183

Aug. 9, 1999

Date



JC978 U.S. PRO
10/055131
01/22/02

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

1. U.S. Patent 1,547,743 to Fowler
2. U.S. Patent 3,101,832 to Wyle et al.
3. U.S. Patent 3,198,352 to Puechberty
4. U.S. Patent 3,352,404 to Settembrini
5. U.S. Patent 3,471,013 to Haver
6. U.S. Patent 3,603,645 to Hardy
7. U.S. Patent 3,650,369 to Vergobbi
8. U.S. Patent 3,800,936 to Anfossi
9. U.S. Patent 4,093,062 to Sjögren
10. U.S. Patent 4,102,056 to Angelo et al.
11. U.S. Patent 4,505,371 to Krueger et al.

12. U.S. Patent 4,609,108 to Hristozov et al.
13. U.S. Patent 5,048,674 to Wilbur et al.
14. U.S. Patent 5,092,526 to Takata
15. Russian Patent SU 1050992 (including Russian to English translation).

Respectfully submitted,



Lucian Wayne Beavers
Registration No. 28,183
WADDEY & PATTERSON
A Professional Corporation
414 Union Street, Suite 2020
NationsBank Plaza
Nashville, TN 37219
(615) 242-2400

Attorneys for Applicant

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Supplemental Information Disclosure Statement is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, September 28, 1999.

JC978 U.S. PRO
10/055131
01/22/02

Lucian Wayne Beavers



Registration No. 28,183

9/28/99

Date

④